

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAWN T. SMITH,	: 24 Civ. 3367 (JGLC) (GS)
	:
Plaintiff,	: <u>ORDER</u>
	:
- against -	:
	:
COMMISSIONER OF SOCIAL SECURITY,	:
	:
Defendant.	:
	:
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GARY STEIN, United States Magistrate Judge:

On April 30, 2024 the Court entered on the docket a copy of the Standing Order in this District (M 10-468) pertaining to actions, like this one, where a plaintiff seeks review of a determination made by the Commissioner of Social Security. (Dkt. No. 5). The Standing Order sets forth a briefing schedule by reference to the rules governing briefing deadlines in the Supplemental Rules for Social Security Actions (“Supplemental Rules” or “Supp. Rule”).

The Standing Order provides that under Supplemental Rule 6, a plaintiff must submit their brief for requested relief within 30 days after the Commissioner files its answer. (Dkt. No. 5 at 1). Under Supplemental Rule 4(b), the Commissioner’s answer may simply consist of filing the certified administrative record with the Court—that is to say, all of the documents that reflect consideration of the claimant’s case by the Social Security Administration and the Administrative Law Judge. Put differently, filing the administrative record triggers the 30-day clock for a plaintiff to submit their brief. That brief must be supported by facts with citations to the administrative record. Supp. Rule 5.

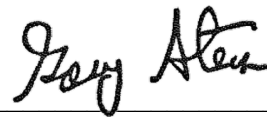
Plaintiff Shawn T. Smith is appearing in this action *pro se*. On July 1, 2024, the Commissioner filed its answer by filing the certified administrative record and serving a copy of the same on Plaintiff by mail. (Dkt. Nos. 8 & 9). That triggered the 30-day clock for Plaintiff to submit his brief, meaning that the deadline for filing his brief was July 31, 2024. Plaintiff did not submit a brief by that deadline and has not submitted a brief since that time. The Court, however, recognizes that because Plaintiff is not a lawyer he may not have understood that July 31, 2024 was the deadline. Hence, the Court will give Plaintiff another opportunity to submit his brief.

Accordingly, the Court sets forth the following briefing schedule: **Plaintiff Shawn T. Smith's brief is due by Monday, September 23, 2024**; the Commissioner's brief is due by Wednesday, October 23, 2024; and if Plaintiff has any reply to the Commissioner's brief, it is due Wednesday, November 6, 2024. The Commissioner is reminded of its obligation under the Standing Order to submit a brief by the deadline above even if Plaintiff fails to submit his brief. (See Dkt. No. 5 at 2).

The Commissioner's August 20, 2024 letter motion for an extension of time to submit its brief is therefore moot. The Clerk of Court is respectfully directed to close Docket No. 10.

SO ORDERED.

DATED: New York, New York
August 26, 2024



The Honorable Gary Stein
United States Magistrate Judge